

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHRISTINE GAMACHE,

Plaintiff,

v.

EDWARD BYLSMA, et al.,

Defendants.

CASE NO. C15-5154 BHS

ORDER GRANTING IN PART
AND DENYING IN PART
PLAINTIFF'S MOTION FOR
EXTENSION OF TIME TO
COMPLETE SERVICE AND
ASSISTANCE FROM THE
COURT FOR FEDERAL
MARSHALS TO COMPLETE
SERVICE

This matter comes before the Court on Plaintiff Christine Gamache's ("Gamache") motion for extension of time to complete service and assistance from the Court for federal marshals to complete service (Dkt. 28).

On March 13, 2015, Gamache filed a pro se civil rights complaint against Defendants Edward Bylsma, Robin Yakhour, Craig Randall, Russ Bradseth, Barry Folsom, John Doe, Richard/Rachel Roe(s), and Clark County ("Defendants"). Dkt. 1. Gamache alleges Clark County police officers violated her constitutional rights. Dkt. 24 ("Comp.") ¶ 60. Gamache is not proceeding *in forma pauperis*. See Dkt. 1.

1 On October 26, 2015, the Court granted Gamache additional time to properly
2 serve Defendants. Dkt. 19 at 6. On December 28, 2015, Gamache filed the instant
3 motion, requesting additional time and assistance from the United States Marshals to
4 complete service. Dkt. 28. According to Gamache, the Clark County police officers
5 have resisted service at their homes and have threatened the process server. *Id.* at 2; *see*
6 *also* Dkt. 28, Declaration of Christine Gamache ¶¶ 6, 10; Dkt. 28, Declaration of Justin
7 Forsman ¶¶ 7, 10, 12.

8 After reviewing Gamache's motion and the remainder of the file, the Court finds
9 the deadline to complete service should be extended because of excusable neglect. *See*
10 Fed. R. Civ. P. 6(b)(1)(B); *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507
11 U.S. 380, 395 (1993). With regard to Gamache's request for assistance, the Court
12 declines to involve the United States Marshals at this time. *See* Fed. R. Civ. P. 4(c)(3)
13 (granting courts discretion to order service by United States Marshal when a plaintiff is
14 not proceeding *in forma pauperis*). The Court notes, however, that Gamache has sued
15 the Clark County police officers in their individual capacity. *See* Comp. ¶¶ 4–9, 11. The
16 Court is not aware of any law that would prevent the officers from being served at their
17 homes. *See* Fed. R. Civ. P. 4(e). If Gamache is unable to effect service at the officers'
18 homes or elsewhere due to obstructive conduct, the Court may consider ordering the
19 United States Marshals to complete service.

20 Therefore, it is hereby **ORDERED** that Gamache's motion for extension of time
21 to complete service and assistance from the Court for federal marshals to complete
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1 service (Dkt. 28) is **GRANTED in part** and **DENIED in part**. Gamache shall effect
2 service on Defendants within thirty days from the entry of this order.

3 Dated this 12th day of January, 2016.

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6 BENJAMIN H. SETTLE
7 United States District Judge
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